

1 BILL NO. Z-83-11-30

2 ORDINANCE NO. Z-

01-84

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. M-10.

5
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby
9 designated an M-2 (General Industrial) District under the terms of Chapter
10 33 of the Code of the City of Fort Wayne, Indiana of 1974:

11
12 Lot #3 in Eckarts' Subdivision.
13 North Side Addition to the City of Fort Wayne.

14 and the symbols of the City of Fort Wayne, Zoning Map No. M-10, as established
15 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
16 are hereby changed accordingly.

17 SECTION 2. That this Ordinance shall be in full force and
18 effect from and after its passage and approval by the Mayor.

19
20 
21 COUNCILMEMBER

22 APPROVED AS TO FORM AND LEGALITY

23 
24
25 BRUCE O. BOXBERGER, CITY ATTORNEY
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FOX RIVER BOND
25% COTTON

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 9062

DATE FILED 10/6/83

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We RKO Bottlers of Fort Wayne, Inc.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an M-2 District the property described as follows:

Lot 3 in Eckarts' Subdivision

North Side Addition to the City of Fort Wayne

(*generally known as 1320 N. Harrison Street)

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

RKO Bottlers of Fort Wayne, Inc. 1207 N. Harrison

Robert C. Conti, Vice-
President and General
Manager

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

John C. Theisen
(Name)

6th Floor, Lincoln Bank Tower
(Address & Zip Code)

(219) 424-3800
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19 _____, at _____ o'clock _____ .M., E.S.

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,
seconded by Lisa Quinte, and duly adopted, placed on its
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 1-24-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-01-84

on the 24th day of January, 19 84,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Ray A. E. Clark
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 25th day of January, 19 84,
at the hour of 11:30 o'clock AM .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of January,
19 84, at the hour of 9 o'clock A .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

Read the first time in full and on motion by Stier,
seconded by Dev Dunlap, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock, _____ M., E.S.T.

DATE: 11/22/83 Sandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>SCRUGGS</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____ - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____.

ATTEST: (SEAL)

CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of _____
o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR. - MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-11-30; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1983;

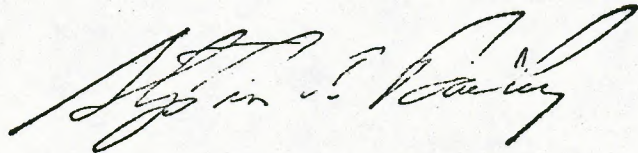
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1983.

Certified and signed this
9th day of January 1984.



Stephen A. Bailey
Secretary

LAW OFFICES

GALLUCCI, HOPKINS & THEISEN

PROFESSIONAL CORPORATION

6TH FLOOR, LINCOLN BANK TOWER

FORT WAYNE, INDIANA 46802

TELEPHONE 219/424-3800

December 28, 1983

FRANK L. GALLUCCI
MEMBER INDIANA, MICHIGAN AND
DISTRICT OF COLUMBIA BARS

WILLIAM T. HOPKINS, JR.
MEMBER INDIANA BAR

JOHN C. THEISEN
MEMBER INDIANA AND
MISSOURI BARS

STEVEN D. HAASER
MEMBER INDIANA BAR

ROBERT C. BOHNER
MEMBER INDIANA AND
WISCONSIN BARS

JOHN W. BOWERS
MEMBER INDIANA BAR

Mr. Gary F. Baeten
Senior Planner
Division of Land Use Management
Department of Community Development
& Planning
One Main Street
Fort Wayne, IN 46802

Re: Bill No. Z-83-11-30

Dear Mr. Baeten:

Reference is made to your letter of November 30, 1983 in which you mention that the City Plan Commission at their regular meeting held November 28, 1983, recommended RKO Bottlers of Fort Wayne's rezoning petition DO PASS with the two conditions imposed as per your letter.

We have discussed these conditions with RKO and inform you that RKO is agreeable to the conditions stated.

Please let us know when the ordinance is approved by the City Council. Thank you for your kind cooperation in this matter.

Very truly yours,

GALLUCCI, HOPKINS & THEISEN, P.C.

John C. Theisen

John C. Theisen

kg

JCT/kg

L326K11

BILL NO. Z-83-11-30

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. M-10

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

Janet G. Bradbury

Samuel J. Talarico

Charles B. Redd

Mark E. Giaquinta

James S. Stier

CONCURRED IN 1-24-84

SANDRA E. KENNEDY, CITY CLERK

RECEIPT

No 9062

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10/6 19 83

RECEIVED FROM Yallucci Hopkins & Thiesen \$ 50.00

THE SUM OF Fifty and 00/100 DOLLARS

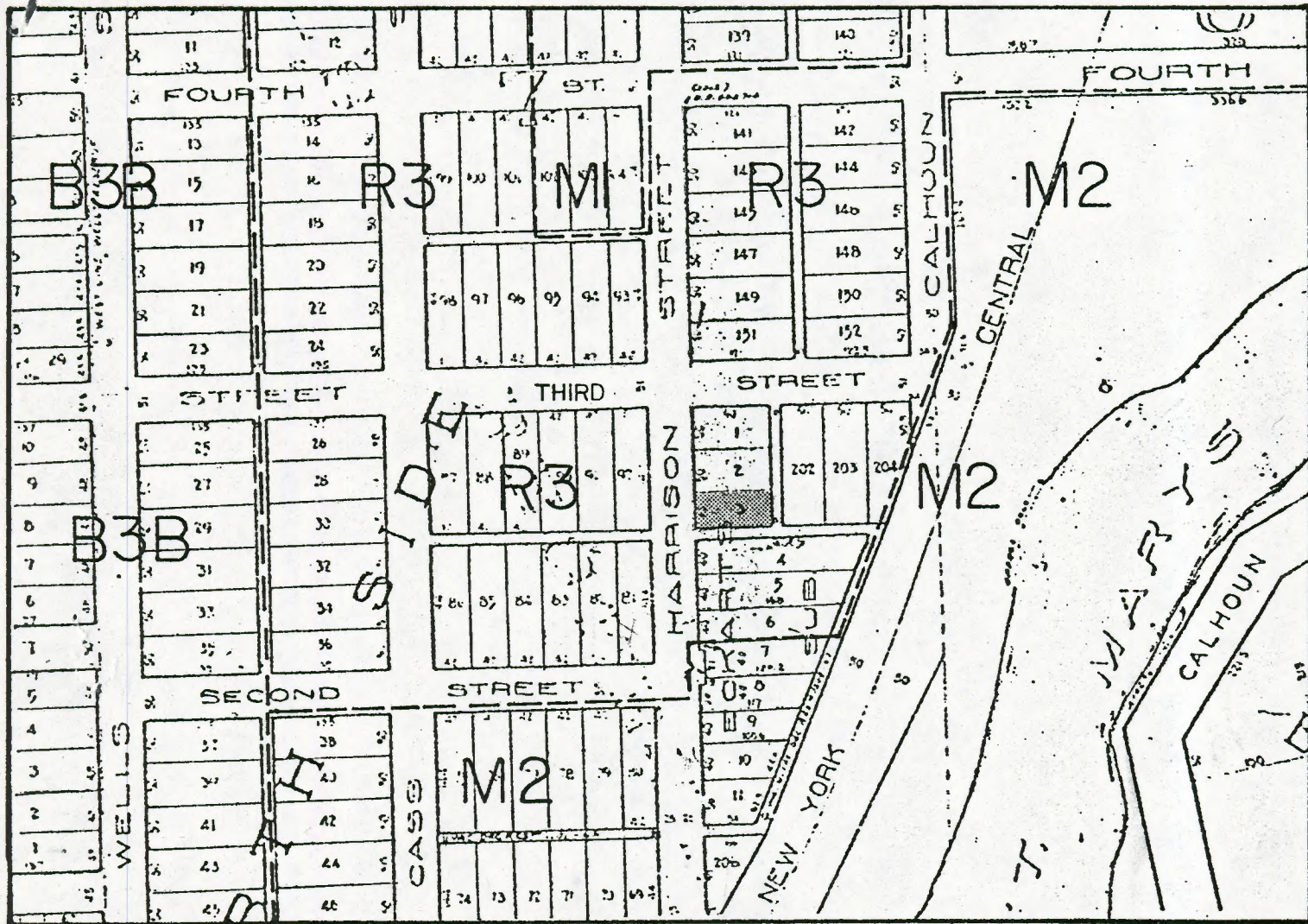
ON ACCOUNT OF Reynolds

Lot 3, Clark's Sub.

Kathie J. Reynolds

AUTHORIZED SIGNATURE

UK 1621

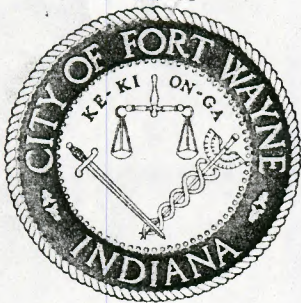


A PETITION TO AMEND THE ZONING MAP BY RE-CLASSIFYING DESCRIBED PROPERTY FROM AN R-3 TO A M-2 DISTRICT.

MAP NO. M-10

Z-83-11-30





The City of Fort Wayne

DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

9 January 1984

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held November 28, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-83-11-30
2. From R-3 to M-2
3. Intended Use: Additional Parking for RKO Bottlers
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason and with the following conditions:

REASON: This rezoning will not have an adverse affect on the surrounding area.

- CONDITIONS:
1. The property owner is to construct a fence along the length of his/her east property line.
 2. A suitable barrier designed to prohibit access to the east/west alley is to be constructed along the length of the south property line. The design of this barrier is to be approved by the City Plan Commission staff.

NOTE: These conditions have been agreed to by the petitioner and a letter to that effect is on file in the Plan Commission Office and a copy is attached to the original ordinance.

*

And if conditions are not met?

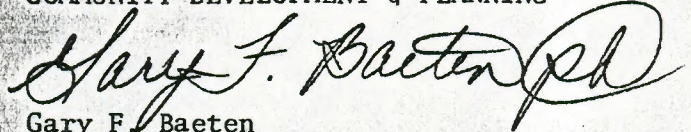
Members of the Common Council
9 January 1984

Page two

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

A handwritten signature in cursive script, reading "Gary F. Baeten", followed by a large, stylized initial "PB" in parentheses.

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

ORIGINAL

DIGEST SHEET

ORIGINAL

Admin. Appl.

6468

3-83-11-30

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lot #3 in Eckart's Subdivision.

EFFECT OF PASSAGE Property is now zoned R-3 - Multiple Family Residential.

Property will become M-2 - General Industry.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multiple Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____